

REMARKS

I. Summary of the Office Action

Claims 1-109 were pending in this application.

Claims 110-123 have been withdrawn from further consideration by the Examiner.

Claims 1 and 27 were objected to for various clerical errors.

Claims 1-6, 8, 10, 11, 14-16, 18, 19, 27-33, 35, 37, 38, 43, 44, 48-49, 57, 60, 62-64, 67-69, 71, 74, 81, 86, 89-91, 94-96, 99, 100, and 103 were rejected under 35 U.S.C. § 102(b) as being anticipated by Inoue et al. U.S. Patent No. 5,884,141 ("Inoue").

Claims 7, 9, 34, 36, 65, and 92 were rejected under 35 U.S.C. § 103(a) as being obvious from Inoue in view of Ismail et al. U.S. Patent No. 6,614,987 ("Ismail").

Claims 12, 17, 39, 45-47, 58, 59, 61, 70, 82-85, 87, 88, 97, and 98 were rejected under 35 U.S.C. § 103(a) as being obvious from Inoue in view of Baker et al U.S. Patent No. 5,583,561 ("Baker").

Claims 13, 23, 24, 26, 40-42, 53, 54, 56, 66, 77, 78, 80, 93, 106, 107, and 109 were rejected under 35 U.S.C. § 103(a) as being obvious from Inoue in view of Lortz U.S. Patent No. 6,349,410 ("Lortz").

Claims 20, 21, 50, 51, 75, and 104 were rejected under 35 U.S.C. § 103(a) as being obvious from Inoue in view of Banker et al. U.S. Patent No. 5,357,276 ("Banker").

Claims 22, 25, 52, 55, 72-73, 76, 79, 101-102, 105, and 108 were rejected under 35 U.S.C. § 103(a) as being obvious from Inoue in view of White et al. U.S. Patent No. 6,392,664 ("White").

II. Summary of Applicants' Reply

Applicants have amended independent claims 1, 27, 57, and 81 to more particularly define the invention. No new matter has been added and the amendments are fully supported by the originally filed specification.

The Examiner's objection and rejections are respectfully traversed.

III. Summary of Telephonic Interview

Applicants would like to thank the Examiner for the courtesies extended during the May 22, 2006 telephonic interview with the undersigned and Mr. Gall Gotfried. During the interview applicants proposed amending the claims to overcome the rejections of independent claims 1, 27, 57, and 81 in view of Inoue. The Examiner acknowledged that the proposed amendments to claims 57 and 81 would overcome the

rejections over the prior art of record. The Examiner stated that the proposed amendments to claims 1 and 27 would require further consideration. Applicants agreed to amend the claims to incorporate the features of the proposed amendments that the Examiner acknowledged to be allowable.

IV. Applicants' Reply to the Objection

Claims 1 and 27 were objected to for various clerical errors. Applicants have amended claims 1 and 27 to correct the clerical errors. Accordingly, applicants respectfully request the objection to claims 1 and 27 be withdrawn.

V. Applicants' Reply to the §102 Rejections

Claims 1-6, 8, 10, 11, 14-16, 18, 19, 27-33, 35, 37, 38, 43, 44, 48-49, 57, 60, 62-64, 67, 68, 69, 71, 74, 81, 86, 89-91, 94-96, 99, 100, and 103 were rejected under 35 U.S.C. § 102(b) as being anticipated by Inoue. Applicants respectfully traverse this rejection.

A. Independent claims 1 and 27

Applicants' amended claims 1 and 27 are directed to a method and system for using an interactive media application to substitute pause-time content in place of media that is paused. A pause-time content database is

provided. A user is provided with the ability to pause media and after pausing the media, pause-time content is automatically retrieved from the pause-time content database. While the media is paused, the automatically retrieved pause-time content is played and the media is recorded.

Inoue generally describes a near video-on-demand system that temporarily stores program segments for a user to be able view at a later time. The program segments that are stored on the hard disk are either (a) segments of the paused program to be viewed at a later time or (b) "segments of different programs [to] be prerecorded in anticipation of viewing one of those programs at a later time." Inoue describes in column 6, lines 25-33, that when the program is paused, another program may be received and displayed.

The Examiner contended that "another program" that is received and displayed, as described by Inoue, is retrieved from the hard disk and stated that Inoue teaches all of the limitations set forth in claims 1 and 27.

Applicants respectfully submit that Inoue does not show or suggest automatically retrieving pause-time content from a pause-time content database and playing the automatically retrieved content while media is paused as defined by applicants' claims 1 and 27. Instead in Inoue, a user indication is required for the system to receive and

display stored program segments. For example, a user indication of a resume command causes the hard disk to reproduce the segments of the paused program. Alternatively, a user can enter a request "for the reception and display of a particular video program" which was previously stored for viewing at a later time. (See, e.g., Inoue, col. 5, ll. 20-25, col. 6, ll. 25-53, col. 8, ll. 48-63, and col. 9, ll. 1-10.) Nowhere does Inoue show or suggest the system automatically retrieving and displaying the stored program segments.

Therefore, at least because Inoue does not show or suggest that the system automatically retrieves and displays pause-time content while the program is paused, applicants respectfully submit that independent claims 1 and 27 (and claims 2-6, 8, 10-11, 14-16, 18-19, 28-33, 35, 37-38, 43-44, and 48-49 which depend, directly or indirectly, therefrom) are allowable.

B. Independent claims 57 and 81

During the telephonic interview applicants proposed amending claims 57 and 81 to define the pause-time content as being other than the media that is paused. The Examiner acknowledged that such an amendment would overcome the prior art of record. In particular, applicants respectfully submit that Inoue does not show or suggest substituting pause-time

content, that is other than the paused media, in place of media that is paused, where the subject matter of the substituted pause-time content is related to the subject matter of the paused media, as defined by applicants' amended claims 57 and 81.

Accordingly, applicants respectfully submit that claims 57 and 81 (and claims 60, 62-64, 67-68, 69, 71, 74, 86, 89-91, 94-96, 99-100, and 103 which depend, directly or indirectly, therefrom) are allowable.

VI. Applicants' Reply to the 35 U.S.C. § 103 Rejections

Claims 7, 9, 34, 36, 65, and 92 were rejected under 35 U.S.C. § 103(a) as being obvious from Inoue in view of Ismail.

Claims 12, 17, 39, 45-47, 58, 59, 61, 70, 82-85, 87, 88, 97, and 98 were rejected under 35 U.S.C. § 103(a) as being obvious from Inoue in view of Baker.

Claims 13, 23, 24, 26, 40-42, 53, 54, 56, 66, 77, 78, 80, 93, 106, 107, and 109 were rejected under 35 U.S.C. § 103(a) as being obvious from Inoue in view of Lortz.

Claims 20, 21, 50, 51, 75, and 104 were rejected under 35 U.S.C. § 103(a) as being obvious from Inoue in view of Banker.

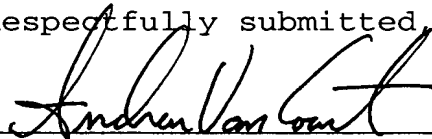
Claims 22, 25, 52, 55, 72-73, 76, 79, 101-102, 105, and 108 were rejected under 35 U.S.C. § 103(a) as being obvious from Inoue in view of White.

Applicants have shown above in Section V of this Reply that independent claims 1, 27, 57, and 81 are allowable. The claims listed above, rejected as being obvious from Inoue in view of a secondary reference, and which depend from either independent claim 1, 27, 57, or 81, are allowable at least because they depend from allowable claims. The rejection of these claims should therefore be withdrawn.

VII. Conclusion

In view of the foregoing, claims 1-109 are in condition for allowance. This application is therefore in condition for allowance. Reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,



Andrew Van Court
Registration No. 48,506
Agent for Applicants
FISH & NEAVE IP GROUP
ROPES & GRAY LLP
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (212) 596-9000
Fax: (212) 596-9090